

# LOS ALAMOS POLICE DEPARTMENT

## EVIDENCE MANUAL



# Evidence Packaging Manual

## I. PURPOSE

The purpose of this Evidence Manual is to establish guidelines, procedures and responsibilities for the proper packaging of evidence.

## II. POLICY

It is the policy of the Los Alamos County Police Department that all items of evidence/property collected by officers be properly packaged before being submitted to the Evidence Custodian or placed in an Evidence Locker.

## IV. PROCEDURES

- A. All evidence collected shall be packaged in accordance with the following procedures before being placed into evidence lockers or turned over to the Department's Evidence Custodian.
- B. Items of evidence that do not readily conform to the following packaging requirements shall be referred to the Department's Evidence Custodian for directions.

### Approved by:



Dino Sgambellone

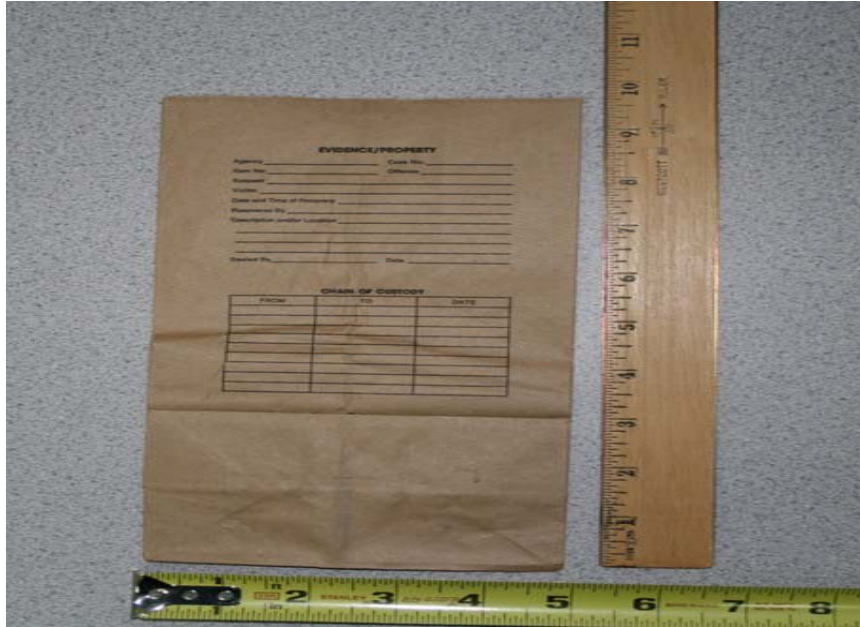
Chief of Police

## Standardized Packaging Guidelines

- A. In the effort to create a standardized system for packaging evidence and other property, this manual will be used to clarify and direct how property will be packaged. All property entered into evidence will be packaged according to the direction given in this manual and in accordance with department policy. If items are not packaged properly the evidence custodian will reject the submitted evidence and send it back to the Officer for repackaging.
- B. The following containers will be used as the final package for all evidence submitted to the evidence lockers. The smallest package size possible must be used, but no smaller than a 5" x 10" paper or plastic bag. Additional containers may be used inside the final container to separate individual items or provide additional security to the item.
- C. The heat sealable plastic bags may be used as final packaging for all evidence and is the recommended packaging due to the ability to customize the package size. The final package should be no smaller than about 5" x 10".
- D. The exception will be single VHS tapes, single cassette tapes, single 8mm tapes, single cd/dvd disks, and blood kits. Those special packaging situations will be as described herein.
- E. Evidence sheets should not be attached to the evidence as it must be separated inside the evidence room anyway. Therefore the case number, item number, victim, suspect, date, time and officer must be identified on each piece of evidence.
- F. Staples should be avoided as much as possible when sealing the final packaging.

## Examples of Evidence Packaging Materials

### Example 1: 5 inch by 10 inch bag



### Example: 2 Other Acceptable size packaging.

## Evidence Packaging Manual



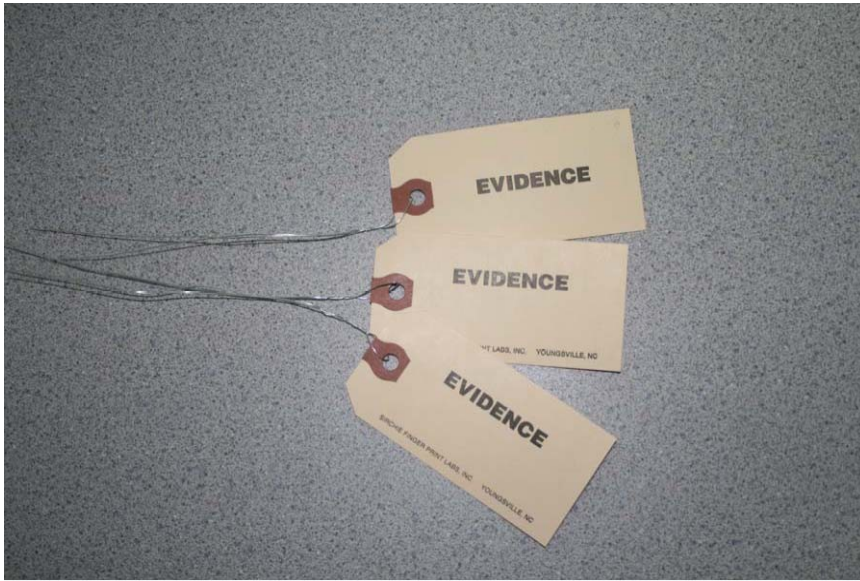
**Example 3:** Appropriate bag created with heat sealing system



**Example 4:** Evidence tags for odd size and shape items that do not fit into standard

## Evidence Packaging Manual

Packaging.



**Example 5:** Box for handgun packaging. Knife and Rifle boxes are of similar design

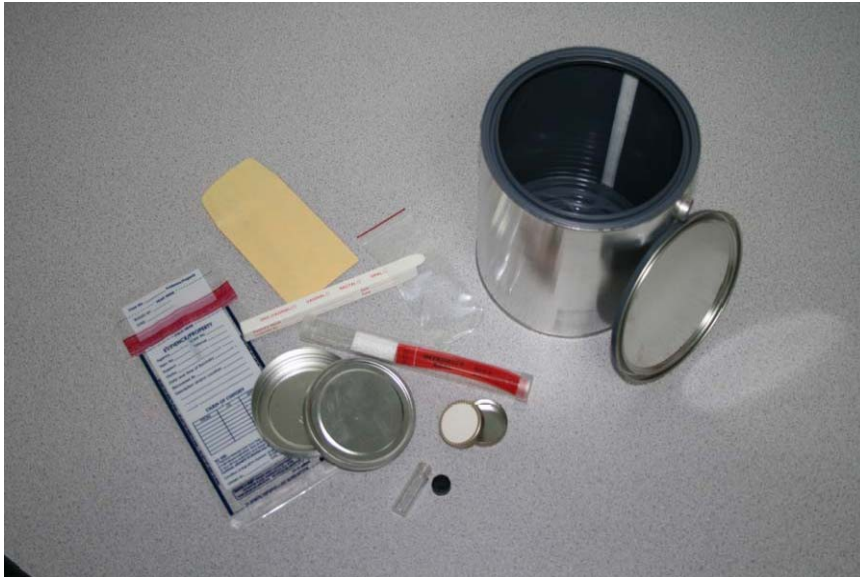


**Example 6:** Other packaging for Hazardous material, odd size or shape or for



## Evidence Packaging Manual

separation of items inside the final package.



**Example 7:** Standard packaging file box for odd size and shape items



**Example 8:** Evidence sticker for odd size and shaped items. Use packaging tape in addition to the self-adhesive to affix to items.

## Evidence Packaging Manual

**EVIDENCE**

Case No. \_\_\_\_\_ Inventory # \_\_\_\_\_

Type of offense \_\_\_\_\_

Description of evidence \_\_\_\_\_

Suspect \_\_\_\_\_

Victim \_\_\_\_\_

Date and time of recovery \_\_\_\_\_

Location of recovery \_\_\_\_\_

Recovered by \_\_\_\_\_

**CHAIN OF POSSESSION**

Received from \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM

Received from \_\_\_\_\_


By \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM

Received from \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM

 LYNN PERVEY 800-255-6499

### Alcohol

- A. Large amounts of alcohol should not be entered as evidence. A representative sample may be entered for court purposes and after photographing for documentation, the rest may be disposed of at the scene by the Officer.
  1. Bottles and cans of liquid must be sealed.
  2. If opened bottles or cans are entered the interior must be dry to prevent residual liquid from soaking the package when entered. Wet packaging will be cause for rejection.
  3. Containers from alcohol disposed of at the scene does not need to be entered into evidence.
  4. Final packaging of the representative sample will be a paper or plastic bag (smallest size possible but no smaller than 5" x 10").
  5. All information on the bag must be filled out.
  6. Place Evidence tape lengthwise on the top of the bag.
  7. Sign or initial the evidence tape being sure to extend from the tape to the bag.



## Evidence Packaging Manual

**EVIDENCE/PROPERTY**

Agency: LAPD Case No.: 2002-0000  
Name: J. Doe Officer: ABC123  
Subject: John Doe  
Victim: John Doe  
Date and Time of Receipt: Jan 1, 2012  
Received By: Officer Smith  
Description and/or Location: Hotel Room 101  
Sealed By: ABC Date: Jan 1, 2012

**CHAIN OF CUSTODY**

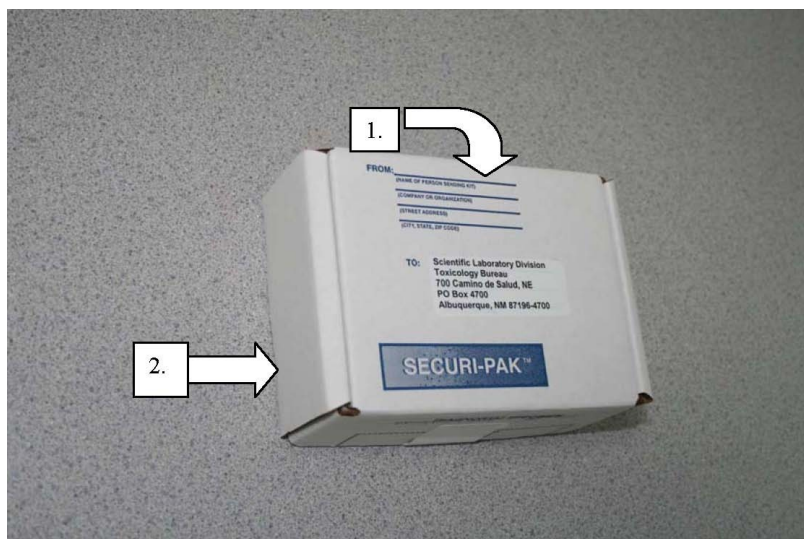
FROM	TO	DATE

Condition of Bag when Closed: ☐ Sealed

### Blood Kits

#### A. Evidence blood kits

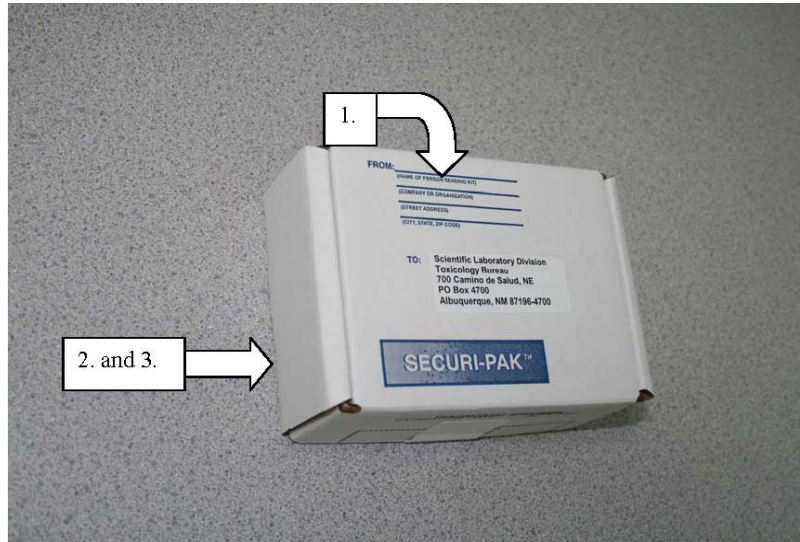
1. Do not fill out the return address on the box.
2. Write case number on side of box.
3. Place box in evidence locker along with a copy of evidence sheet.
4. Notify the evidence technician, via e-mail advising of the blood kit that is in the evidence locker.



## Evidence Packaging Manual

### B. Defendant Blood kits

1. Do not fill out the return address on the box.
2. Write case number on side of box
3. Write "Defendant Requested" on side of box
4. Place box in evidence locker along with a copy of the Blood Sample Receipt.
5. Be sure to provide a copy of the Blood Sample Receipt to the defendant.

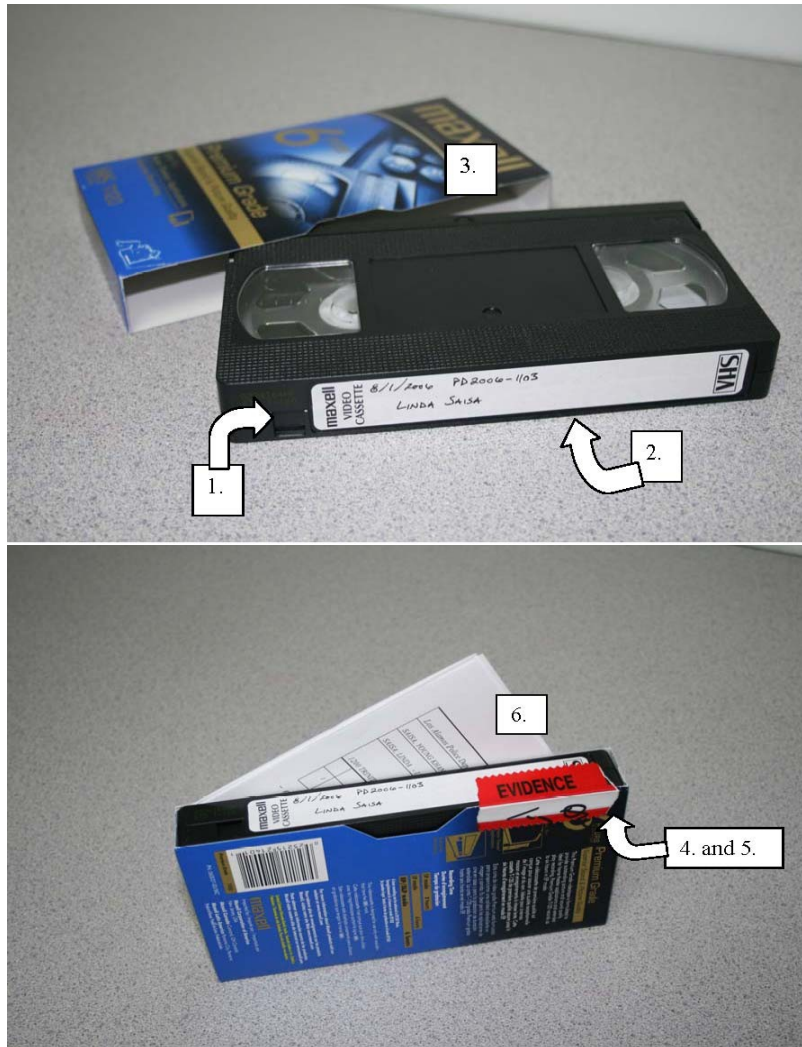


## Video Tapes

### A. VHS Video Tapes

1. Be sure to pull the tape immediately after the event so that it is the last recording on the tape and can be easily located when copies are needed. Video and audio tapes may be co-mingled with other evidence and are not required to be separated from all other case evidence.
  - i. Video tapes entered into evidence should have the write protect tab removed
  - ii. Use the provided long label to document the case number and defendant name on the video tape.
  - iii. Place the video tape into the original box
  - iv. Place a small strip of evidence tape on one side of the box sealing the tape inside
  - v. Initial and date the tape being sure the date and initial extend from the tape to the box
  - vi. Place video tape and evidence sheet into video tape evidence locker (if video is the only item of evidence)

## Evidence Packaging Manual



### B. Video Tapes / Cassette Tapes

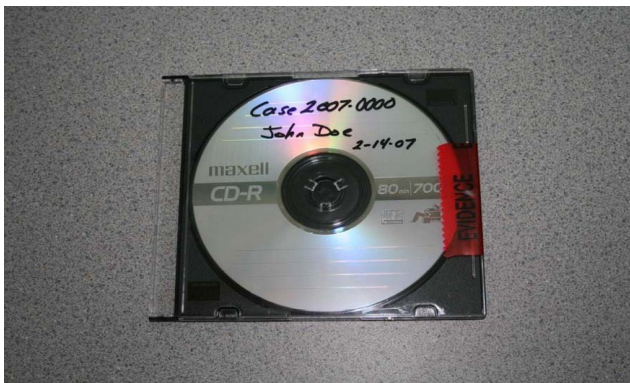
1. 8mm, VHS, other video tapes, and cassette tapes (standard and micro). Video and audio tapes may be co-mingled with other evidence and are not required to be separated from all other case evidence.
  - i. Engage the write protect tabs.
  - ii. Use a provided label to document the case number and defendant name on the video tape.
  - iii. Place the video tape into the original container.
  - iv. Mark all information on paper card in original container
  - v. Place evidence tape over opening
  - vi. Sign or initial and date the tape
  - vii. Do not attach evidence sheet to tape
  - viii. Place tape and evidence sheet in video tape locker (if tape is the only item of evidence)

## Evidence Packaging Manual



### C. Compact Disks, DVD's

1. For all compact disks, DVD's and similar computer media. All recordings transferred to disc/DVD will place the first burn into evidence as the original and shall be marked as such. Any additional transfers will be marked as "COPY" and be placed in with the case.
  - i. Use permanent marker (that specifies use on cds/dvds) to write case number and defendant or victim on disk
  - ii. Place CD/DVD into hard plastic case.
  - iii. Fill out all information on exposed side of disk.
  - iv. Place small amount of evidence tape over opening.
  - v. Sign or initial and date/time the tape.
  - vi. Do not attach evidence sheet to hard plastic case.
  - vii. Place disk and evidence sheet into the video tape evidence locker (if disk is the only item of evidence)



## Firearms

- A. Prior to packaging firearms be certain that they have been unloaded. If there is a question or doubt about how to safely unload the handgun locate a department firearms instructor for assistance.



## Evidence Packaging Manual

### B. Firearms must be packaged separately from other evidence.

1. Do not package ammunition with the firearm.
2. Use a firearms box only for packaging firearms.
3. Secure firearm in box with zip-ties or wire ties
4. Place a zip-tie through the barrel for automatics and through the cylinder for revolvers to verify their unloaded status.
5. Be sure serial number, make and model are documented.
6. Be sure case number and all other information on outside of box is filled out.
7. **Do Not** Seal the box with evidence tape. This will allow the evidence custodian to verify the unloaded status of the firearm.
8. Sign or initial and date box.



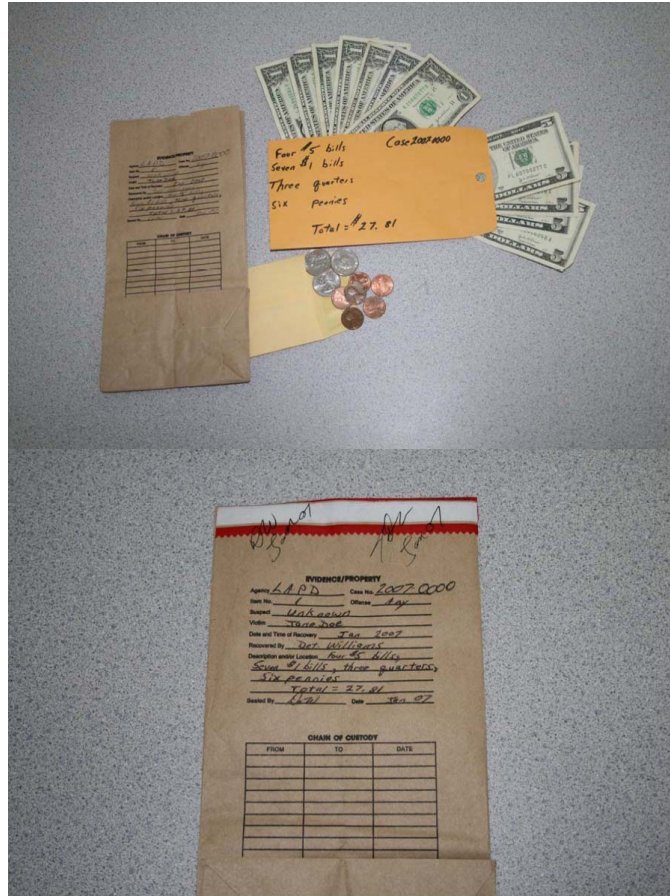
## Money

### A. Money must be packaged separately from all other evidence. This shall include counterfeit bills.

1. Count money with another officer present to verify the count. Place money into a paper bag (smallest size possible but no smaller than 5 inch by 10 inch). Money and change should be placed into a separate envelope inside the bag to ensure it does not escape from the bag.
2. Fill out all information on outside of bag.
3. In the description area on outside of bag, list each denomination individually. For example: Four \$5 Bills, Seven \$1 bills, Three quarters, Six pennies.
4. If total cash exceeds \$2000.00 the Evidence Custodian must be called out to immediately secure the money.
5. Place evidence tape over opening of bag lengthwise.
6. Both officers must sign or initial and date the tape being sure to extend from tape to bag.

## Evidence Packaging Manual

7. Do not attach evidence sheet to bag.
8. Place bag and evidence sheet into the evidence locker.



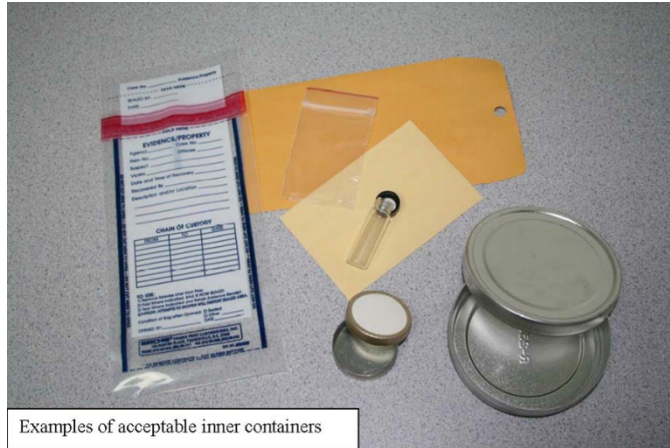
## Drugs

### A. General Packaging

1. All drugs must be packaged separately from all other evidence. Drugs must be documented by weight, pill count or volume of liquid.
  - i. The final package of drug evidence must be a plastic bag created and sealed with the heat sealing plastic bag system (smallest size possible but no smaller than about 5 inch by 10 inch) with all information on outside of bag filled out. In the description area of the bag the weight, pill count or volume will be noted.
  - ii. Use evidence tape to seal each heat sealed side of the bag.
  - iii. Sign or initial and date/time the evidence tape.
  - iv. Drugs packaged in large containers should be removed and repackaged onto smaller evidence containers.
  - v. Drugs must be packaged in an inner container capable of containing the drugs if final package should get torn.



# Evidence Packaging Manual



## B. Marijuana

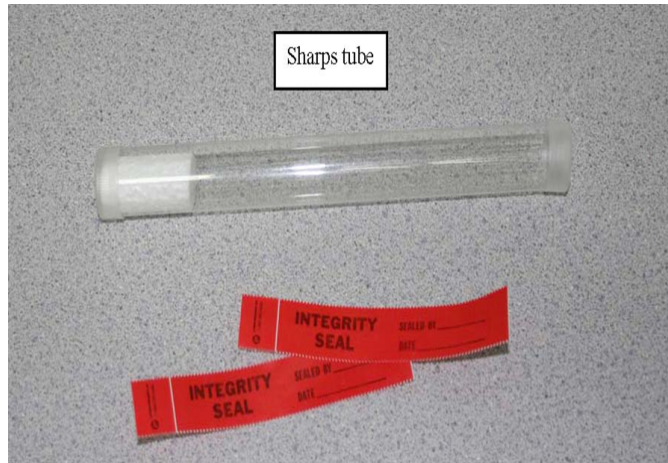
1. In the event of “green” marijuana the evidence custodian must be called so arrangements can be made for safe storage while drying.
2. Marijuana must be packaged in a heat sealed plastic bag.
3. Smallest bag size possible but not smaller than about 5 inch by 10 inch with all information on outside of bag filled out. In the description area of the bag the weight will be noted.
4. Use evidence tape to secure each heat sealed seam.
5. Sign or initial and date the evidence tape.
6. Marijuana or other drugs packaged in large containers should be removed and repackaged onto smaller evidence containers. For example: small amounts of marijuana should be removed from a large object and placed into bags prior to being placed into evidence.



### C. Drug Paraphernalia

## Evidence Packaging Manual

1. All drug paraphernalia must be packaged so that it is protected from damage. For example, a glass pipe should be wrapped to protect it from breakage.
2. All needles and syringes must be packaged inside a sharps tube and the final package clearly marked that it contains a syringe.



## Jewelry

- A. Jewelry must be documented and packaged separately from other evidence. Jewelry may be commingled together in a single package as long as each item of jewelry is identified on the outside of the package and packaged in a separate inner package. The term "Misc. Jewelry" is not acceptable and will result in rejection by the evidence custodian. Precious metals and Gemstones must be documented by color only.
1. Use a paper or plastic bag (smallest size possible but no smaller than 5 inch by 10 inch) to package jewelry. A separate inner bag or envelope may be appropriate if jewelry has sharp edges that may puncture the bag or if the weight of the jewelry is too high.
  2. Fill out all the information on the outside of the bag. Describe each piece of jewelry that is in the bag in the description area.
  3. Place evidence tape over the top of the bag lengthwise.
  4. Sign or initial the tape being sure to extend from the tape to the bag.
  5. Do not attach evidence sheet to the bag.
  6. Place bag and evidence sheet into evidence locker.

## Hazardous Materials

- A. Hazardous materials may consist of items identified as Meth Lab chemicals and equipment, possible explosive material, flammable items, or other items which could be harmful to human health or safety due to noxious fumes, odors or mold.
- B. Hazardous materials will not be placed into the evidence storage lockers located

## Evidence Packaging Manual

- inside the building or stored anywhere inside the building.
- C. Hazardous material may be packaged into paint can containers, plastic bags, paper bags or other containers necessary to protect both the evidence and those who handle the evidence. The container must be labeled with case number, item number, and contents description.
  - D. Call Evidence Custodian.

### KNIVES

- A. Use a knife box only to package knives.
- B. Leave the knife in the open position.
- C. Secure the knife inside the box with zip-ties.
- D. Use evidence tape to seal the box.
- E. Sign or initial and date the tape being sure to extend from the tape onto the box.



### Odd Size and Shape Property

- A. If possible odd sized and shaped property should be placed into a file box.
- B. All evidence due to its size or shape that will not fit within the standardized packaging will have an evidence tag or sticker placed upon it in a conspicuous location. The tag or sticker will have at a minimum information listed below.
  - 1. Case number
  - 2. Defendant name
  - 3. Item number
  - 4. Description
  - 5. Officer name
  - 6. Date

## Evidence Packaging Manual



## Property/Evidence Procedures

### Mission

A professional property management system depends on the establishment of strict procedures for the staff on property handling, security and disposition. Only then can the public and the courts rely, with confidence, on the property-evidence function in the Police Department. The end results of mismanagement of this function are unsuccessful prosecution of criminal cases and the loss of public confidence in the Police Department. This manual is intended to serve as a guide for the Evidence Custodian of the Los Alamos Police Department. This manual is considered to be a living document. As legislative changes occur with respect to evidence handling, these procedures will change as well. Other changes may be necessary at times to reflect changes in policies or the method of final disposition of property/evidence.

## Evidence Packaging Manual

### Definitions

**REQUEST FOR EVIDENCE** = means a printed form filled out by any Officer and given to the Evidence Custodian to obtain evidence from the evidence room for crime lab processing, transfer to another agency, examination, release, Court or another law enforcement function.

**CERTIFIED MAILING FORM** = means a printed form filled out by the Evidence Custodian when property/evidence is mailed to any location.

**COURT EVIDENCE RECEIPT** = means a printed form filled out by the Officer who takes evidence to court when the evidence is retained by the court.

**FINAL PROPERTY DISPOSITION** = means a printed form filled out by the Evidence Custodian when property/evidence is destroyed, sent to public auction, or converted to County use.

**REQUEST FOR REFUND FORM** = means a printed form filled out by the Evidence Custodian when money which has been deposited into the county account must be returned to the owner so that a check can be created.

### Security

- A. The temporary storage lockers are a pass through type design that when locked cannot be unlocked except from the inside. The back of the evidence lockers must remain closed and locked to prevent entry into the evidence room through the lockers.
- B. The evidence room will be locked by a keyed mechanical door lock.
- C. The evidence room must be locked at any time the Evidence Custodian does not have visual observation of the room.
- D. The evidence room will be monitored with the department's internal surveillance system. The Evidence Custodian will make sure that the camera view is not obstructed by stored evidence.

## Evidence Packaging Manual

- E. The Evidence Custodian shall be the only person to have keys for the temporary storage lockers, the Evidence Room, or any locked locations inside the evidence room.
- F. At any time the Evidence Custodian is changed, all mechanical locks will be changed or re-keyed.
- G. High risk items such as guns, money, and drugs shall be separated and locked in a location inside the evidence room to provide additional security.
- H. No one shall be allowed inside the evidence room or any other locked evidence storage location without the Evidence Custodian present.

### Receiving and Processing

#### A. Receiving Property/ Evidence

- 1. The Evidence Custodian will check the temporary storage lockers each day of his/her normal work day for property/evidence that has been placed there. Any property/evidence that has been placed there will be removed and processed into the evidence room.
- 2. At this time the Evidence Custodian will verify that the property/evidence has been packaged according to the Packaging Manual and the proper documentation has been included. If the property/evidence is not packaged or documented properly it shall be refused and not processed into the evidence room.

#### B. Refusal

- 1. If property/evidence is refused it will be locked back into a temporary storage locker. The Evidence Custodian will notify the submitting officer's supervisor of the needed corrections and the need to contact the Evidence Custodian to remedy the problem.

#### C. Processing into the Evidence Room

- 1. Once property / evidence is removed from the temporary storage lockers it will be immediately processed into the evidence room.
  - i. The Evidence Custodian will verify that all items listed on the evidence sheet have been submitted.
  - ii. The Evidence Custodian will then enter the items into the evidence tracking software.
  - iii. The items will then be issued a bar code and placed into the appropriate container or shelf location and recorded using the bar code and bar code reader to update the software.
  - iv. The evidence sheet will then be placed into the file cabinet drawer in sequential case number order.
  - v. Blood kits drawn due to DWI arrests will be processed according to the Blood Kits section of this manual.

#### D. Record Keeping and Documentation



## Evidence Packaging Manual

1. The Evidence Custodian will maintain a file in a cabinet inside the evidence room where all evidence sheets and other forms showing the processing or movement of evidence will be kept. A file will be titled "Active Property/Evidence" for each year (Jan – Dec). The files will be organized by year and the forms kept in sequential case number order. As long as there is evidence inside the evidence room related to an evidence sheet kept in the file, checked out to court, crime lab, officer, etc. whereby it will eventually return to the evidence room the corresponding evidence sheet and other forms will be maintained in the "Active Property/Evidence" file.
2. Evidence may be checked out of the evidence room by Officers when needed for crime lab processing, transfer to another agency, examination, release, Court or another law enforcement function.
3. Officers requesting evidence out of the evidence room must complete a "Request for Evidence" form and deliver it to the Evidence Custodian at least 48 hours prior to needing the evidence. The Evidence Custodian will make all reasonable efforts to provide the evidence to the Officer within that time frame.
4. If the evidence is to be taken to court the Evidence Custodian must provide a "Court Evidence Receipt" to the officer along with the evidence in case the evidence is retained by the court.
5. Anytime evidence is checked out of the evidence room by an officer, sent to the crime lab, or for any other reason the appropriate documentation will be placed into the "Active Property/Evidence" file and entered into the electronic evidence tracking system.
6. When an "Evidence Disposition Authorization form" is sent to an officer to update the status of property/evidence or a "Notice to Claim Property" is sent, a spreadsheet list will be created to document that the form has been sent out. When the forms are returned the form will be placed with the corresponding evidence sheet.
  - i. The spreadsheet will then reflect the recommended disposition of the property/evidence as indicated by the officer.
  - ii. If the property is to be returned to the owner, or another the Evidence Custodian will send that person a "Notice to Claim Property" form and follow directions listed in the Guidelines for Release of Property/Evidence section of this manual.
7. A separate file will be kept where evidence sheets and associated documentation for property/evidence that is identified as being able to be purged is filed. This file shall be referred to as the "Purge Staging" file.
8. Once all property/evidence in a case has been returned to the owner, guardian or representative of the owner, auctioned at public auction, converted to County use, or destroyed and is documented as such on a "Property Release", "Notice to Claim Property" form or "Final Property Disposition" form the evidence sheet and all associated forms will be filed in the case file maintained by the records department.
9. The evidence tracking software will be used and updated during each activity outlined above.
10. A file will be kept in the evidence room file cabinet to store all signed petitions and orders related to the auction, destruction or conversion to county use of property/evidence.

## Evidence Packaging Manual

### General Guidelines for Purging of Property/Evidence

- A. All Property/Evidence held by the Evidence Unit that is no longer necessary for obtaining a conviction, presentation in court, or having another official need or purpose, will be disposed of by the Evidence Custodian after all legal requirements have been satisfied and in accordance with New Mexico State Statute 29-1-14.
  - 1. For petty misdemeanor cases that have not been prosecuted, the property/evidence will be disposed of after a period of one year.
  - 2. For full misdemeanor cases that have not been prosecuted, the property/evidence will be disposed of after two years.
  - 3. For all felony cases that have not been prosecuted, the property/evidence will be disposed of after confirmation with the District Attorney's Office that there have been no extensions filed and the property/evidence is no longer needed. A felony disposition sheet from the District Attorney's Office indicating that charges will not be filed will be sufficient.
    - i. For third (3rd) or fourth (4th) degree felonies, after a period of five (5) years.
    - ii. For second (2nd) degree felonies, after a period of six (6) years.
    - iii. For first (1st) degree and /or capital felonies, property will be disposed of only when the case has been adjudicated and the Office of the District Attorney has instructed that the property/evidence can be disposed of.
  - 4. DNA evidence collected in relation to a criminal sexual investigation shall not be destroyed until it has been matched to a suspect and the statute of limitations for prosecution has expired. The time limit will begin when the DNA sample has been matched to a suspect. (Reference State Statute 30-1-9.2)
  - 5. For all cases that have been prosecuted, the property/evidence will be disposed of only after consultation with and/or confirmation from the District Attorney's Office that no appeals have been filed and the case is completely finished.
    - i. For this purpose a Judgment and Sentence sheet or Felony Disposition sheet indicating a time that the property/evidence can be destroyed will be sufficient.
    - ii. All evidence that has been admitted in relation to an investigation or prosecution of a crime that could be subjected to DNA testing, will be retained for the period of time that a person remains subject to incarceration or supervision in connection with the investigation or prosecution (Reference State Statute 31-1A-2.L).
- B. All property/evidence that has reached the time limitations set out in 1, 2, 3, and 4, above will be considered being available for purging as outlined in the section of this manual titled "Methods of Disposal". Prior to property/evidence being disposed of the Evidence Custodian will issue to the case officer an "Evidence Disposition.
- C. Authorization" form. The officer will be given 30 days to research the case to determine if the property/evidence must be retained or can be disposed of. The property/evidence will be retained or disposed of as indicated by the case officer.
- D. In cases where the original case officer is no longer available, the "Evidence Disposition Authorization" form will be given to the Deputy Chief of Police, or designee to research and complete. To maintain separation of authority, the Evidence Custodian must not be given the task of determining if evidence should be retained or disposed of. The exception is when the Evidence Custodian is also the case officer.
- E. At least every July and December the Evidence Custodian will conduct a search of the property/evidence documentation to identify items that may be eligible for purging out of the evidence room.

## Evidence Packaging Manual

- F. Once property/evidence is identified as being eligible to be purged the associated documentation stored in the “Active Property/Evidence” file will be moved to the “Purge Staging” file.

### **General Guidelines for Release / Disposal of Evidence**

- A. Property/Evidence that has been identified for purging according to the General Guidelines for Purging of Evidence section of this manual will be disposed of in the following manner.
  - 1. Certain special risk items will require additional procedures to be followed prior to final disposal. Those items which will include firearms and money have their own specific procedures page.
  - 2. In all cases where property/evidence is to be released to a person the Evidence Custodian must check with the case file to see if an insurance claim has been filed and an insurance company has provided a notice of intent to claim for the property. In such cases the property will be released to the insurance company.
  - 3. A “Notice to Claim Property” form will be completed and mailed to the owner of the property via certified mail with return receipt requested if no insurance claim has been made and the case officer has indicated on the “Evidence Disposition Authorization” form that it can be returned to the owner.
    - i. The return receipt will be attached to the evidence sheet when it is received.
    - ii. If there is no response within 30 days of the date the letter was received, or the intended recipient cannot be located the property/evidence will be disposed of as detailed in this manual.
  - 4. In all cases where property/evidence is released to a person a “Property Release” form will be completed in full clearly identifying the person to whom the property was released, what property was released, the date of release and case number. The “Notice to Claim Property” form may be used instead of the “Property Release” form when it is brought in after having been mailed to the owner.

### **Methods of Disposal**

- A. The methods of disposal of property/evidence from the Los Alamos Police Department Evidence Room will be in compliance with New Mexico State Statute 29-1-14.
  - 1. Return to the rightful owner.
    - i. In any case where the rightful owner is deceased, the property/evidence may only be released to a person who has been given legal claim to the property through a legal will or is an immediate family member. An immediate family member is defined as spouse, parent, or child of the deceased.
  - 2. Return to finder
    - i. No items turned in as found property will be returned to the finder.
  - 3. Return pursuant to a court order
    - i. At the discretion of the Court following all appropriate legal actions or considering a motion, the court may issue an order directing the return of the property or direct another disposition. Such release may be directed to an insurance agent whose company has reimbursed the victim for the loss, an attorney, or other designated person who has legal standing instead of the owner.
  - 4. Forfeiture

## Evidence Packaging Manual

- i. The Court may award forfeiture of property to the Department under a forfeiture action.
- 5. Legal Auction
  - i. Property/Evidence, except firearms and contraband, which has been in the possession of the Department in excess of ninety (90) days and is unclaimed by the true owner, or is of unknown ownership, is no longer necessary for use in obtaining a conviction, is not needed for any other public purpose, and that is of sufficient monetary value (\$50 or more), will be sold at public auction.
  - ii. Prior to the sale of property/evidence, the Evidence Custodian shall make a reasonable attempt to notify original owner of the property/evidence. A spreadsheet on the department's website will be maintained describing found and unclaimed property and naming the owner if known. An add directing the public to the website will be run once each week in the Los Alamos Monitor.
  - iii. If, prior to the sale, the true owner identifies the property/evidence to be sold and offers strict proof of identity and ownership of the property/evidence, the property/evidence shall be returned to its true owner.
  - iv. Any property/evidence offered but not sold at a public sale may be destroyed or otherwise disposed of upon application to the District Court, ex parte and without notice.
  - v. The recommended process for public auction will be through the use of "PropertyRoom.com". The procedure for accomplishing this task will be outlined in the agreement between the County and PropertyRoom.com.
- 6. Conversion to County use.
  - i. Property/Evidence identified and scheduled for purging according to the Guidelines for Purging Evidence section of this manual may be converted to County use.
  - ii. Property/Evidence may only be converted to County use if the true owner cannot be found after reasonable attempts or would otherwise not be legally capable of receiving the property. Examples would include drug evidence or paraphernalia that may be converted for training purposes.
  - iii. Property/Evidence that is to be converted to County use will require the Evidence Custodian to file for an order from the District Court to have the property converted.
- 7. Legal Destruction
  - i. Contraband, firearms, weapons, property/evidence of little or no monetary value, (\$50 or less) for which ownership cannot be established, is not needed for any other public purpose, is no longer necessary for use in obtaining a conviction, and has been in the possession of the Los Alamos Police Department for more than ninety days may be destroyed, except as otherwise provided by order of the district court upon ex parte application without notice.
  - ii. If, prior to the destruction, the true owner identifies the property/evidence to be destroyed and offers strict proof of identity and ownership of the property/evidence, the property/evidence shall be returned to its true owner.
  - iii. The attached example of an ex parte application for order of destruction will serve as a template for obtaining the order of destruction from District Court.
  - iv. Method of Destruction
    - a. Alcohol

## Evidence Packaging Manual

- ◆ Liquid must be poured out down the drain and containers thrown away. In the case of Kegs the location the Keg was purchased from should be identified and the keg returned to that location.
- b. Ammunition
  - ◆ Ammunition in usable condition may be taken to the range and fired with a firearm of the appropriate caliber. Ammunition not in usable condition must be disposed of through any legal means which renders the ammunition unusable and non-hazardous.
- c. Blood
  - ◆ Defendant requested blood kits which have reached the time limitation and are capable of being destroyed may be taken to the hospital and deposited in their bio-hazard disposal bins. The Evidence Custodian must contact the LAMC Lab Director at 661-9126 to arrange this disposal. All documentation that is within the blood sample box must be shredded.
- d. Drugs
  - ◆ The Los Alamos Police Department owns an incinerator that is specifically designed to be used for the burning of drugs and paraphernalia. Drugs and paraphernalia will be burned in this incinerator according to the incinerator operating instructions. Ash resulting from the burn process will be segregated and disposed of in accordance with the Los Alamos Police Department, Evidence Disposal Segregation plan.
- e. Guns/weapons
  - ◆ Albuquerque Police Department Evidence Unit may be called and a request made to use their shredder. In the alternative a chop saw or torch may be used to cut up all serial numbered parts into non-useable pieces. Pieces can then be placed into the metal recycling area of the Landfill.
- f. Haz-mat/flammable
  - ◆ Haz-mat/flammable items must be taken to the County Landfill hazardous waste area.
- g. Money
  - ◆ Money not returned to the rightful owner as outlined in the "Money" section of this manual may be deposited into the Los Alamos County General Fund upon order of the District Court. All counterfeit money must be mailed along with a copy of the report to the Secret Service at: United States Secret Service 505 Marquette ST. NW #1700 Albuquerque, NM 87102.
- h. Paraphernalia
  - ◆ Paraphernalia containing drug residue will be included in the items burned in the incinerator. Paraphernalia that does not contain any residue may be destroyed by any means which makes the paraphernalia unusable. Once destroyed it may be deposited in the trash.
- i. Video tape, magnetic computer media
  - ◆ Degauss, break, throw away

## Evidence Packaging Manual

- j. All other
  - ◆ Break to make useless, throw away
- v. All property/evidence that is destroyed will be documented on the “Final Property/Evidence Disposition” form or in the barcode evidence tracking system (BEAST).
- vi. When possible a second person will act as a witness to the actual destruction of property/evidence and will sign the “Final Property/Evidence Disposition” form verifying the destruction. Although not required it is highly recommended that the second person be from outside the Police Department.

### PETITION AND ORDER EXAMPLES

FIRST JUDICIAL DISTRICT COURT  
COUNTY OF LOS ALAMOS  
STATE OF NEW MEXICO  
CASE NO. \_\_\_\_\_  
IN THE MATTER OF THE  
DISPOSITION OF CERTAIN MONIES AND PROPERTY

#### PETITION FOR ORDER TO DISPOSE

#### OF ABANDONED MONIES AND PROPERTY

COMES NOW John Doe , Evidence Custodian, Los Alamos County Police Department (LACPD), pursuant to NMSA 1978, Sections 29-1-14 (A)(F)(G) and (H), and respectfully moves



## Evidence Packaging Manual

the Court for an Order awarding the following-listed monies and property to the Los Alamos County Police Department:

As grounds for this Petition, the Los Alamos County Police Department states:

1. Attachment A-lists amounts of money that were lawfully seized and have been in the possession of LAPD for more than 90 days and they are not necessary for use in obtaining a conviction and should be transferred to the Los Alamos County General Fund.
2. Attachment B-lists property that were lawfully seized and have been in the possession of LAPD for more than 90 days and they are not necessary for use in obtaining a conviction and should be sold at public sale or destroyed as the Los Alamos County Police Department deems appropriate.
1. Pursuant to NMSA 1978, Section 29-1-14(I), no one has contacted the Los Alamos Police Department to claim any of the monies described in Attachment A, which total Nine Hundred and Twenty Eight Dollars and Ninety Six Cents (\$928.96) or any of the property described in Attachment B.

WHEREFORE, the Los Alamos County Police Department prays this Honorable Court for an Order (1) awarding a total of Nine Hundred and Twenty Eight Dollars and Ninety Six Cents (\$928.96) in cash, as described in attachment A to the Los Alamos County Police Department for deposit to the General Fund of Los Alamos County and (2) awarding the property described in Attachment B to the Los Alamos County Police Department to dispose of the property by public sale or destruction, and such other and further relief as the Court deems just and proper under the circumstances provided.

Respectfully Submitted,

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John Doe, Evidence Custodian  
Los Alamos County Police Department  
2500 Trinity Drive  
Los Alamos, NM 87544  
505-662-8222

### **ORDER TO DISPOSE OF ABANDONED MONIES AND PROPERTY**

THIS MATTER having come before the Court on the Petition by Los Alamos County Police Department, pursuant to the Unclaimed Property Act, NMSA 1978, Section 29-1-14, and the Court having reviewing the Petition submitted by the LACPD finds:

## Evidence Packaging Manual

1. That, no one has contacted the Los Alamos County Police Department to claim; any of the monies described in Attachment A or any of the property described in Attachment B of the PETITION FOR ORDER TO DISPOSE OF ABANDONED MONIES AND PROPERTY as required by NMSA 1978, Section 29-1-14 (I);
2. That, it is in the best interest of public safety and welfare for the monies to be awarded to Los Alamos County for deposit to the General Fund of Los Alamos County as indicated in Attachment A of the PETITION;
3. That, it is in the best interest of public safety and welfare for the property described in Attachment B of the PETITION to be sold at public sale or destroyed as the Los Alamos County Police Department deems appropriate.

IT IS, THEREFORE, ORDERED that the monies and property which are the subject matter of the PETITION be awarded to the Los Alamos County Police Department as described in attachments A and B.

**FIRST JUDICIAL DISTRICT COURT  
COUNTY OF LOS ALAMOS**

**STATE OF NEW MEXICO**

**CASE NO. D 132-CS-2007-1**

**IN THE MATTER OF THE  
DISPOSITION OF CERTAIN  
MONIES AND PROPERTY**

**PETITION FOR ORDER TO DISPOSE**

## Evidence Packaging Manual

### **OF ABANDONED MONIES AND PROPERTY**

COMES NOW John Doe, Evidence Custodian, Los Alamos County Police Department (LACPD), pursuant to NMSA 1978, Sections 29-1-14 (A)(F)(G) and (H), and respectfully moves the Court for an Order awarding the following-listed monies and property to the Los Alamos County Police Department:

As grounds for this Petition, the Los Alamos County Police Department states:

4. Attachment A-lists amounts of money that were lawfully seized and have been in the possession of LAPD for more than 90 days and they are not necessary for use in obtaining a conviction and should be transferred to the Los Alamos County General Fund.
5. Attachment B-lists property that were lawfully seized and have been in the possession of LAPD for more than 90 days and they are not necessary for use in obtaining a conviction and should be sold at public sale or destroyed as the Los Alamos County Police Department deems appropriate.
6. Pursuant to NMSA 1978, Section 29-1-14(I), no one has contacted the Los Alamos Police Department to claim any of the monies described in Attachment A, which total Nine Hundred and Twenty Eight Dollars and Ninety Six Cents (\$928.96) or any of the property described in Attachment B.

WHEREFORE, the Los Alamos County Police Department prays this Honorable Court for an Order (1) awarding a total of Nine Hundred and Twenty Eight Dollars and Ninety Six Cents (\$928.96) in cash, as described in attachment A to the Los Alamos County Police Department for deposit to the General Fund of Los Alamos County and (2) awarding the property described in Attachment B to the Los Alamos County Police Department to dispose of the property by public sale or destruction, and such other and further relief as the Court deems just and proper under the circumstances provided.

Respectfully Submitted,

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## Evidence Packaging Manual

John Doe, Evidence Custodian  
Los Alamos County Police Department  
2500 Trinity Drive  
Los Alamos, NM 87544  
505-662-8222

**FIRST JUDICIAL DISTRICT COURT  
COUNTY OF LOS ALAMOS  
STATE OF NEW MEXICO**

**CASE NO. D 132-CS-2007-1**

**IN THE MATTER OF THE  
DISPOSITION OF CERTAIN  
MONIES AND PROPERTY**

## Evidence Packaging Manual

### **ORDER TO DISPOSE OF ABANDONED MONIES AND PROPERTY**

THIS MATTER having come before the Court on the Petition by Los Alamos County Police Department, pursuant to the Unclaimed Property Act, NMSA 1978, Section 29-1-14, and the Court having reviewing the Petition submitted by the LACPD finds:

4. That, no one has contacted the Los Alamos County Police Department to claim; any of the monies described in Attachment A or any of the property described in Attachment B of the PETITION FOR ORDER TO DISPOSE OF ABANDONED MONIES AND PROPERTY as required by NMSA 1978, Section 29-1-14 (I);
5. That, it is in the best interest of public safety and welfare for the monies to be awarded to Los Alamos County for deposit to the General Fund of Los Alamos County as indicated in Attachment A of the PETITION;
6. That, it is in the best interest of public safety and welfare for the property described in Attachment B of the PETITION to be sold at public sale or destroyed as the Los Alamos County Police Department deems appropriate.

IT IS, THEREFORE, ORDERED that the monies and property which are the subject matter of the PETITION be awarded to the Los Alamos County Police Department as described in attachments A and B.

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DISTRICT JUDGE

### **Blood Kits**

- A. Evidentiary blood kits drawn from DWI arrests will be processed and mailed immediately upon being removed from the temporary storage locker. Defendant requested blood kits will be held for at least 30 days. The Defendant requested blood kits will be stored in a refrigerator.

1. Evidentiary Blood Kit

- i. Evidentiary blood kits must be mailed via certified mail to:

Scientific Laboratory Division Alcohol Section  
P.O. Box 4700 700 Camino De Salud NE  
Albuquerque, NM 87196-4700

## Evidence Packaging Manual

- ii. The Evidence Custodian will enter the blood kit into the evidence tracking software.
- iii. The Evidence Custodian will use the bar code showing the blood kit was mailed to SLD.
- iv. The Evidence Custodian will complete the "Certified Mailing of Evidence" form being sure to affix a completed mailing label and certified article number sticker to the form along with the bar code provided by the evidence tracking software.
- v. If the blood kit is the only item of evidence listed on the evidence sheet then the evidence sheet and "Certified Mailing of Evidence" form will be placed into the case file. If there is other evidence on the evidence sheet that has been processed onto the evidence room then the evidence sheet will be filed in the evidence room and the "Certified Mailing of Evidence" form will be placed into the case file.

### 2. Defendant Requested Blood Kit

- i. Defendant requested blood kits will be stored for at least 30 days waiting instructions from the defendant as to where the blood should be sent for testing.
- ii. Once instructions are received from the defendant the blood will be mailed via certified mail to the laboratory of the defendants choosing. A letter will accompany the blood kit advising the laboratory that the results of the testing should be sent to the defendant only and that the cost of the testing should be billed to the Los Alamos Police Department.
  - a. An example of the letter is attached for reference.
  - b. A copy of this letter will be filed with the case file.
- iii. The Evidence Custodian will complete the "Certified Mailing of Evidence" form being sure to affix a completed mailing label and certified article number sticker to the form and file with the case file.
- iv. The Blood Sample Receipt form will be completed indicating that the blood has been mailed to a laboratory for examination.
- v. If no instructions have been received from the defendant after 30 days the blood may be destroyed.
  - a. The blood may be taken to the Los Alamos Medical Center and deposited into their Bio-Haz disposal bin.
  - b. LAMC Lab Director must be contacted and this process cleared through him/her. 661-9126
  - c. Once the blood has been delivered for destruction the Blood Sample Receipt form will be completed indicating that the blood has been destroyed. The form will then be filed with the case report.



## Evidence Packaging Manual

Los Alamos Police Department  
2500 Trinity  
Los Alamos, NM 87544

Name of Lab conducting test

Address of Lab conducting test

Dear Sir,

Enclosed is a blood sample drawn from defendant \_\_\_\_\_ at his request. Please process this sample for alcohol and /or drug content and send the results to:

Defendant:

## Evidence Packaging Manual

Address:

Los Alamos, NM 87544

The cost of this processing will be the responsibility of the Los Alamos Police Department.

Bill to:

Att. Connie Salazar

Los Alamos Police Department

2500 Trinity Dr.

Los Alamos, NM 87544

If there are any questions please contact John Doe, Evidence Custodian, at 662-8222.

Thank You,

John Doe

Evidence custodian

Ref. Case #

# Evidence Packaging Manual

## Firearms

- A. Firearms are considered a special security risk item and must be separated from general property/evidence in locked container located inside the evidence room designated for that purpose.

### 1. Storage

- iii. Firearms should be packaged in a firearms box as detailed in the Packaging Manual. Failure to package the firearm properly will be cause for rejection.
- iv. The Evidence Custodian must verify that the firearm is unloaded prior to placing the firearm in the locked container. The Evidence Custodian will store the firearms in the designated area.

### 2. Release

- i. When a firearm has been scheduled for purging as outlined in the General Guidelines for Purging of Property/Evidence section of this manual the following procedures will be adhered to.
- ii. Prior to the release of any firearm to an individual the Evidence Custodian will:
  - a. Run a criminal history check (Triple I, local records, etc.) on the person who will receive the firearm. A firearm or ammunition will not be released to any person who:
    - ◆ Has been convicted of a felony.
    - ◆ Is a fugitive from justice.
    - ◆ Is an unlawful user of or addicted to any controlled substance.
      - The criteria for establishing an “unlawful user or addicted to a controlled substance” shall be a person who has been convicted of any drug offense within the past year or multiple offenses in the last 5 years.
    - ◆ Has been adjudicated as a mental defective or who has been committed to a mental institution.
    - ◆ Is illegally or unlawfully in the United States.
    - ◆ Has been discharged from the Armed Forces under dishonorable conditions.
    - ◆ Has renounced U.S. citizenship.
    - ◆ Is subject to a domestic restraining order or order of protection.
    - ◆ Has been convicted in any court of a misdemeanor crime of domestic violence.
  - b. Check to be sure the person is not on probation, parole, or under conditions of release that would prevent that person from being in possession of a firearm.
- iii. Any person who meets any item in section 2.a above is considered a prohibited person from owning a firearm and/or ammunition and therefore cannot transfer ownership of any firearm and/or ammunition to a third party.
  - a. In such cases the firearm and/or ammunition will be destroyed as outlined in the Guidelines for Release / Disposal of Evidence section of this manual.

## Evidence Packaging Manual

- iv. All other requirements outlined in the General Guidelines for Release / Disposal of Property/Evidence will be followed.

### Money

- A. Money is considered a special security risk item and must be separated from general property/evidence in locked container located inside the evidence room designated for that purpose. Money must be packaged separately and identified by quantity of each denomination present in the package. Two persons must sign the evidence tape seal verifying the count. Failure of any one of these requirements will be cause for rejection.

#### 1. Storage

- i. Money shall be transferred to an account set up set up for that purpose as soon as possible and the receipts kept with the evidence sheet in the Evidence Room. To complete this step the Evidence Custodian must:
  - a. Verify the count of money in the package with a second person present.
  - b. Take the money to the Police Records Department Manager for deposit in the agency fund account number 871-2357 named police cash held for others.
  - c. Be sure to receive a receipt and place the receipt with the evidence sheet in the Evidence Room file.
- ii. Money whose monetary value exceeds the face value or money whose evidentiary value requires the actual money be held for presentation in court must be secured in the Evidence Room. To complete this step the Evidence Custodian must:
  - a. Indicate in the evidence tracking software that the money is stored in the Evidence Room and not deposited to the account.
  - b. Store the money in the locked file drawer marked for that purpose.

#### 2. Release

- i. Money which has been deposited to the account 871-2357 and is scheduled to be released to the owner will need to have a check issued by the County. To complete this step the Evidence Custodian must:
  - a. Be sure the evidence is capable of being released under General Guidelines for Release of Evidence.
  - b. Fill out "Request for Refund" form and provide to Accounts Payable division of the Office of Management and Budget so a check can be issued to the claimant. Form is located on P drive in the Forms folder. A sample form is attached and should be used as a template for properly filling out the form.
  - c. Document delivery of check to claimant pursuant to the General Guidelines for Release of Evidence and update the evidence tracking software.

#### 3. Final Disposition

- i. Money that has been unclaimed by the true owner, is no longer necessary for use in obtaining a conviction, is not needed for any other public purpose and

## Evidence Packaging Manual

has been in the possession of the Los Alamos Police Department for more than ninety days shall be converted to the County's General Fund. To complete this step the Evidence Custodian must:

- a. Submit a petition to the District Court in the format provided in the attached petition and order. Once the order is signed by the District Court Judge the money can be deposited in to the General Fund.
- b. Complete the "Final Property Disposition" form and file with the evidence sheet. If all property/evidence has been released in the case, all forms along with the evidence sheet will be placed into the case file in the records department.

### **Drug Disposal Box**

- A. The department will maintain a Prescription Drug Drop Box inside the lobby area of the police department within view of agency personnel. Citizens may dispose of unwanted, expired, or unused prescription drugs and over the counter medications in the secure drop box during normal business hours. The disposal of liquids and needles in the drop box is prohibited.
- B. The Evidence Custodian must ensure the drop box remains fastened tightly to either the floor or wall, or both.
- C. Only the Chief, Deputy Chief, Sworn Commanders, or Evidence Custodian will have access to the contents deposited in the drop box.
- D. The Evidence Custodian will check the drop box daily (Monday through Friday) during normal working hours. The items will be weighed and processed. The Evidence Custodian is responsible for securing the items in the Property Room.
- E. The department will maintain custody and control of the contents deposited in the drop box until disposal. The Evidence Custodian will dispose of the contents deposited in the drop box in accordance with agency policy and New Mexico State Statute.